

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

ELLA MORGAN, an individual,

Plaintiff,

v.

ABUNDANT LIFE HOMES,  
LLC,a  
Michigan Limited Liability  
Company,  
JAY WILLIAMS, an individual,  
TROY HACKER,  
an individual, and CHARLES  
DOTSON, an individual,

Defendants.

Case: 1:24-cv-00154

Hon. Jane M. Beckering

**AFFIRMATIVE, SPECIAL AND OTHER DEFENSES**

NOW COMES Defendants Charles Dotson, by and through counsel, Bolhouse, Hofstee & McLean, P.C., and does hereby state the following as Defendant's Affirmative, Special, and Other Defenses:

1. Plaintiff has failed to state a claim upon which relief can be granted and Defendant is entitled to summary judgment.
2. One or more of Plaintiff's claims are barred by the Statute of Limitations.
3. One or more of Plaintiff's claims are barred by the Statute of Limitations.
4. Plaintiff's damages are limited by Michigan's Economic Loss Doctrine.
5. Defendant Charles Dotson is a bona fide, good faith purchaser for value and is entitled to all equitable and statutory protections afforded to him. Dotson had no knowledge or information as to the Plaintiff or her financial circumstances. Dotson purchased the property from

Abundant Life Homes LLC on July 7th, 2023 for \$60,000 well over a year after Abundant Life Homes had allegedly negotiated their deal with Plaintiff on March 22nd, 2022. Dotson obtained a Warranty Deed from Abundant Life Homes LLC. Dotson did a title search and obtained title insurance.

6. One of more of Plaintiff's claims are barred by Plaintiff's failure to mitigate damages.

7. One or more of Plaintiff's claims are barred by Plaintiff's failure to perform and or Plaintiff's breach of contract, warranty, and covenant.

8. Defendant is are entitled to any and all offsets owed to him for all taxes, insurance, and lost profits, lost interest, etc. on his funds.

9. One or more of Plaintiff's claims are barred pursuant to the doctrine of unclean hands.

10. Plaintiff has failed to establish a sufficient factual basis to support the elements of her claims against Dotson; therefore, her complaint should be dismissed with prejudice. See *Bell Atlantic Corp. v. Twombly*, 550 US 544 (2008); and *Ascroft v Iqbal*, 556 US 662 (2009). Defendant is entitled to Summary Judgment pursuant to Fed. R. of Civ. P. 56.

11. Plaintiff's complaint has failed to plead sufficient facts to raise a reasonable expectation that discovery will reveal evidence of unlawful activity or any misconduct by the Defendant Dotson. See *Bell Atlantic Corp. v. Twombly*, 550 US 544 (2008); and *Ascroft v Iqbal*, 556 US 662 (2009). Defendant Dotson is entitled to Summary Judgment pursuant to Fed. R. of Civ. P. 56.

12. Plaintiff's claims are estopped, in full or in part, due to Plaintiff's own default, and her inability to demonstrate that she could have prevented her home from loss via tax foreclosure or that she would have qualified for a mortgage loan from another lender which would have prevented loss of her home through tax foreclosure

13. Many of the Plaintiff's allegations are mere conclusions of law and fact and are therefore not entitled to be assumed as true. See *Bell Atlantic Corp. v. Twombly*, 550 US 544 (2008); and *Ascroft v. Iqbal*, 556 US 662 (2009). Defendant Dotson is entitled to Summary Judgment pursuant to Fed. R. of Civ. P. 56.

14. Defendant Dotson hereby reserves the right to add any additional affirmative defenses as they arise through discovery against Plaintiff. Dotson further reserves the right to file a cross claim against the other defendants named in this lawsuit. Dotson incorporates by reference and hereby claims the right to use any affirmative defenses raised by or claimed by any other Defendants in this action.

Respectfully submitted,

Dated: April 22, 2024

Bolhouse, Hofstee & McLean, P.C.

By: /s/ Michelle M. McLean  
Michelle M. McLean (P71393)

Grandville State Bank Building  
3996 Chicago Drive SW  
Grandville MI 49418  
Phone: (616) 531-7711

Attorneys for Defendant Charles Dotson